



# CITY OF LODI

## COUNCIL COMMUNICATION

AGENDA TITLE: Vehicle Release Fee

MEETING DATE: January 18, 1995

PREPARED BY: Police Chief

RECOMMENDED ACTION: That the City Council authorize increasing the vehicle release fee from \$30.00 to \$45.00 to pay for the administrative cost of this program.

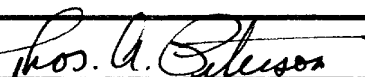
BACKGROUND INFORMATION: Please refer to the attached memorandum for justification. Lieutenant David Main will be available to answer any questions Council may have.

FUNDING: None

  
Larry D. Hansen  
Chief of Police

LDH:sm  
cc: City Attorney

APPROVED: \_\_\_\_\_



THOMAS A. PETERSON  
City Manager



recycled paper

**VEHICLE RELEASE FEE**  
***PROPOSED INCREASE***

L O D I P O L I C E D E P A R T M E N T

M e m o r a n d u m

To: Chief Larry Hansen  
Captain Jerry Adams

From: David J. Main  
Police Lieutenant

Date: November 28, 1994

Subject: **TOWED VEHICLE RELEASE FEE**

\*\*\*\*\*

In September of 1993, I submitted a proposal that this department adopt a towed vehicle release fee, which would be imposed on owners and or drivers of vehicles which we ordered towed. This proposal was approved and sent to city council. On January 5, 1994 at a regular city council meeting, the council approved a \$30.00 administrative fee to recover actual costs for providing this service.

At the time I made my proposal, I projected for you the amount of time and resources involved in the towing of a vehicle. In working with this new procedure, we have discovered additional time it takes in providing the service, and other related costs not considered originally. The purpose of this memo is to propose that the fee be amended to more accurately reflect the actual cost to the city of Lodi. Additionally, there have been salary adjustments and increased costs of employee benefits, which adds justification for the increase. Originally, it was estimated, that a police officer spends about thirty minutes from the time he first stops the violator, to the point he/she is available to handle other assignments. When first proposed, I felt it would take an average of about fifteen minutes for the tow company to respond. In actuality, it takes approximately 20 to 25 minutes, and in some cases well over thirty minutes. This costs the city money in terms of man hours. It is now estimated this procedure ties up one officer, and in many cases two, (when someone is arrested and transported) about 40 minutes. This revised time estimate equates to the following:

Top step police officer including fringe benefit package is \$30.77 per hour. Costing the city on an average in these type cases: **\$18.40**

Considering the dispatchers time involved, the fifteen minute estimation is fairly accurate. No adjustment in this area is being recommended. Costs to the city of Lodi are as follows:

Top step dispatcher including fringe benefit package is \$21.70 per hour. Costing the city on an average in these types of cases: **\$5.40**

Considering the records personnel time involved, the thirty minute estimation is accurate. No adjustment in this area is being recommended. Costs to the city of Lodi on an average in these cases are as follows:

Top step records personnel including fringe benefit package is \$16.98 per hour. Costing the city on an average is these cases: **\$8.50**

Cost Breakdown	
Police Officer	\$18.40
Dispatcher	\$ 5.40
Records	\$ 8.50
<hr/>	
Sub total:	\$32.30

There are several other costs not originally considered as a part of this cost recovery. They are as follows:

**Administration of this program:** As one might expect, any new program requires time and expense just to monitor and deal with daily issues. These issues can be tracking down the true owner of the vehicle, running vehicle registration when someone claims a vehicle, and dealing with various phone calls from citizens inquiring about their vehicle. Actual costs would be difficult to determine, however it would be safe to estimate, that on the average it costs the city approximately **\$3.00** to provide this service, and probably higher.

**After Hour releases:** The program was designed originally to allow releases to be obtained during normal business hours only. In a good number of cases, this can be a real burden on the part of the citizen. In some cases the owner of the vehicle is not the actual driver, and are in need of the vehicle. In these cases, Lieutenants, and Sergeants are required to come into the building, collect fees, track down paper work, issue receipts, etc. Additionally, the many phone calls and questions watch commanders deal with from citizens and tow companies was not originally considered. It would be very difficult to attach an actual cost to this, however I would feel safe in estimating it costs the city on average about **\$3.00** per vehicle to handle all of these issues.

**Report Review and Routing:** Lieutenants and Sergeants are required to review each of these reports, ensuring all pertinent information is included, as well as proper authoritative sections have been used. Actual time involved is approximately 10 minutes. The average of top step pay for Lieutenant and Sergeant including fringe benefit package is \$37.00 per hour. This costs the city **\$3.70**.

**Vehicle Costs and Overhead:** As previously discussed, an officer is tied up with vehicle about forty minutes. The costs for the city in terms of mileage, gas, oil, wear and tear etc. costs the city money

and is recoverable. It is estimated that the cost to run a police vehicle is approximately \$13.00 per hour, conservatively. (Tracy PD research) This costs the city **\$7.80**.

**Total Cost Breakdown**

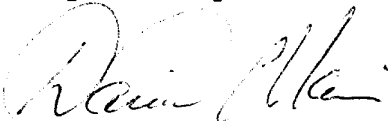
Police Officer	\$18.40
Dispatcher	\$ 5.40
Records	\$ 8.50
Admin costs	\$ 3.00
After hrs. rel.	\$ 3.00
Report Review	\$ 3.70
Vehicle costs	\$ 7.80

---

Total	\$49.80
-------	---------

Based upon all of the available data, I would recommend the release fee be amended to \$45.00. I realize the projected costs are slightly higher, however, this would protect the city against claims that a profit is being made. Existing law is very clear administrative costs can only include actual costs and no more. My research reveals it costs the city of Lodi in excess of \$45.00 to deal with these vehicles. And with impending laws, requiring additional paper work and administrative duties, this fee is most reasonable. Additionally there is a new vehicle code section which gives local jurisdiction authority to establish and collect administrative costs (22850.5 CVC). Previously, local jurisdictions would rely on government code sections. I have included a copy of my original proposal which outline the specific duties each employee performs, and the amount of time involved. And, as a matter of information, since the implementation of this fee January 1994 through the month of October, the city of Lodi has recovered \$31,815.00.

Respectfully Submitted,



David J. Main  
Watch Commander

**Vehicle Removal: Release to Owner**

22850.3. (a) A vehicle placed in storage pursuant to Section 22850 shall be released to the owner or person in control of the vehicle only if the owner or person furnishes, to the law enforcement agency or employee who placed the vehicle in storage, satisfactory proof of current vehicle registration. In lieu of obtaining proof of current registration, the agency which caused the vehicle to be stored may, in its discretion, issue a notice to appear for the registration violation.

(b) At every storage facility there shall be posted in a conspicuous place a notice to the effect that a vehicle placed in storage pursuant to Section 22850 may be released only on proof of current registration or, in the absence of that proof, upon the issuance of a notice to appear for the registration violation by the local agency which caused the vehicle to be stored, specifying the name and telephone number of that local agency.

Added Ch. 1199, Stats. 1990. Effective January 1, 1991.

**Administrative Costs: Vehicle Impound**

22850.5. (a) A city, county, or city and county may adopt an ordinance or resolution establishing procedures for the release of properly impounded vehicles and for the imposition of a charge equal to its administrative costs relating to the removal, impound, storage, or release of the vehicles. Those administrative costs may be waived by the local authority upon verifiable proof that the vehicle was reported stolen at the time the vehicle was removed.

(b) Administrative costs shall only be imposed on the registered owner or the agents of that owner and shall not include any vehicle towed under an abatement program or sold at a lien sale pursuant to Sections 3068.1 to 3074, inclusive, of, and Section 22851 of, the Civil Code unless the sale is sufficient in amount to pay the lienholder's total charges and proper administrative costs.

(c) Any administrative costs imposed shall be collected by the local authority at the time of release.

(d) The local administration charges imposed pursuant to this section shall be in addition to any other charges authorized or imposed pursuant to this code.

Added Ch. 614, Stats. 1993. Effective January 17, 1994.

**Lien on Stored Vehicle**

22851. (a) Whenever a vehicle has been removed to a garage under this chapter and the keeper of the garage has received the notice or notices as provided herein, the keeper shall have a lien dependent upon possession for his or her compensation for towage and for caring for and keeping safe the vehicle for a period not exceeding 60 days or, if an application for an authorization to conduct a lien sale has been filed pursuant to Section 3068.1 of the Civil Code within 30 days after the removal of the vehicle to the garage, 120 days and, if the vehicle is not recovered by the owner within that period or the owner is unknown, the keeper of the garage may satisfy his or her lien in the manner prescribed in this article. The lien shall not be assigned. Possession of the vehicle is deemed to arise when a vehicle is removed and is in transit.

(b) No lien shall attach to any personal property in or on the vehicle. The personal property in or on the vehicle shall be given to the registered owner or the owner's authorized agent upon demand. The lienholder shall not be responsible for property after any vehicle has been disposed of pursuant to this chapter.

Amended Ch. 963, Stats. 1959. Effective September 18, 1959.

Amended Ch. 1135, Stats. 1965. Effective September 17, 1965.

**ORIGINAL PROPOSAL**  
**JAN. 1994**

L O D I      P O L I C E      D E P A R T M E N T

M e m o r a n d u m

To                    Chief Larry Hansen  
                      - Captain Jerry Adams

From:                David J. Main  
                      Patrol Lieutenant

Date:                September 8, 1993

Subject:            TOWED VEHICLE RELEASE COST RECOVERY

\*\*\*\*\*

I would like to propose the city of Lodi adopt a towed vehicle release fee as a form of cost recovery. This release fee would be imposed upon owners and or drivers of vehicles which are ordered towed by police. Victims of crimes such as the owners of stolen autos would be exempt. In most instances police orders a vehicle towed when the driver and or owner has been arrested and charged with violations such as D.U.I., driving with a suspended or revoked license, unlicensed driver, criminal violations, registration being expired for over one year, etc.

Under our current system, whenever a vehicle is ordered towed by police or whenever an abandoned auto is towed the tax payers assume the costs. This proposal would attempt to recover the actual costs to the city and place the financial obligation on the suspect. The recovery costs include salary, fringe benefits, and equipment costs.

While on the surface it may appear that the time involved in the towing of a vehicle may be minimal, closer evaluation indicates there is actually a great deal of time and energy involved in the towing of just one vehicle.

The proposed fee would be required to be paid to the city of Lodi in order for the vehicle to be released to the owner. The collection of the fee, issuance of the receipt, and release will be handled by records personnel during business hours. Failure to pay the fee would result in the vehicle being held until payment is made.

The proposed fee of \$30.00 is a conservative amount in what it costs the city of Lodi to tow a vehicle. It is not designed to make a profit. Government code section 54992 explains the procedure for implementing fees or recovering costs. Cities cannot by law charge a fee above the estimated amount required to provide the service. Also any action taken by a local agency to recover costs shall only be taken by local ordinance and resolution.



There are numerous law enforcement agencies throughout California recovering city costs for the towing of vehicles. To follow is a list of agencies and what they charge. These figures are about six months old and may in fact be higher.

1. Fremont P.D.	\$43.00
2. Newark P.D.	\$50.00
3. San Leandro P.D.	\$40.00
4. San Jose P.D.	\$41.50
5. Livermore P.D.	Looking into it.
6. Gilroy P.D.	\$35.00
7. E. Palo Alto	\$25.00
8. Campbell P.D.	\$25.00
9. Los Altos	Looking into it.
10. Modesto P.D.	\$15.00
11. Manteca P.D.	\$20.00
12. Hayward P.D.	\$50.00
13. Antioch P.D.	None
14. Los Gatos P.D.	None
15. Oakland P.D.	Looking into it.
16. Pittsburg P.D.	\$56.00
17. Concord P.D.	\$25.00

The following is a break down on the duties and responsibilities of all involved personnel whenever a car is ordered towed by police.

POLICE OFFICER:

Stop violator  
Determine tow criteria  
Communicate with dispatch via radio.  
Complete tow sheet.  
Inventory vehicle.  
Wait for tow truck.  
Deliver paper work directly to station for entry.

TIME INVOLVED: 30 minutes.

Top step police officer including fringe benefit package is \$29.95 per hour.

COST: \$14.90

DISPATCHER:

Communicate with officer via radio  
Telephone tow company  
Tow company log entry.  
Receive tow report and review document.  
Run vehicle registration information and broadcast information to the field unit.  
Apply tow information to tow sheet.  
Enter towed vehicle information into computer system.

Time involved: 15 minutes  
Top step for dispatcher including fringe benefit package is \$21.70 per hour.

COST: \$5.40

RECORDS PERSONNEL:

Locate vehicle reports and separate from all others.  
Make photo copies.  
Distribution of copies.  
Send notification to registered owner.  
Follow paper trail.  
When vehicle claimed, obtain report, answer questions, issue release, and receipt.

*2-2 REC. PAGES*

Time involved: 30 minutes  
Top step for records personnel including fringe benefit package is \$15.23 per hour.

COST: \$7.50

Total cost breakdown:

Police Officer	\$14.90
Dispatcher	\$5.40
Records	\$7.50
Total	<hr/> \$27.80

I would recommend the fee be \$30.00 because there are other costs which are hidden or incidental which easily justify the added \$2.20. The following is a list of these costs:

Administration of this program.  
Copy machine overhead.  
Sergeant or Lieutenant to review and approve vehicle report.  
Vehicle overhead. (Cost to run a police vehicle is estimated to be about \$13.00 per hour)  
Postal costs to mails notices.  
Rare tow hearings administered by the watch commander.

As you can see the city of Lodi could easily justify the fee of \$30.00. The actual cost is higher, but I feel this fee would recover most of what it takes to provide the service and limit criticism that the city is attempting to make a profit.

Projected income:

The number of vehicles towed each month by the department varies. About fifty percent of all the vehicles ordered towed by this department represent abandoned autos. Of those vehicles towed as abandoned only about five percent are claimed, therefore cost recovery from the towing of abandoned

autos would be minimal. Cost recovery from all other vehicles towed would be nearly one hundred percent.

On an average the department tows about 10 to 20 abandoned autos per month. All other tows range from 30 upwards. If the department were to tow 30 cars per month, other than abandoned the city would recover approximately \$900.00 per month which works out to \$10,800.00 per year. Keep in mind these projections are estimations and could increase or decrease. It would be very difficult to come up with specific numbers as it would require to hand search all cases as the towing of vehicles are not specifically tracked. Last week alone the department towed well over twenty vehicles.

I hope you will give serious consideration to this proposal. I am confident if implemented the city would be able to recover the majority of the cost to provide this service. Programs like this have been quite successful all over the state of California and continue to be implemented everywhere. Citizen complaints from these specific forms of cost recovery have been minimal. I would also like to explore the possibility of having funds raised from this area earmarked for law enforcement related equipment. Attached is a sample copy of policy and procedure as well as the release form.

Respectfully Submitted,



David J. Main  
Patrol Lieutenant

## TOWED VEHICLE RELEASE FEE

27-13 PURPOSE: The purpose of this policy is to establish a towed vehicle release fee under circumstances in which a vehicle is ordered towed by Police under the provisions listed under section 27-15.

27-14 POLICY: Whenever a vehicle is towed and stored under the provisions listed under 27-15, the officer or employee ordering the tow will supply the driver of the vehicle if present, with "The Instructions for recovering towed vehicles" form and the cost recovery program will come into effect.

27-15 TOWING AUTHORITIES IN WHICH THE TOWED VEHICLE RELEASE FEE WOULD APPLY TO:

22651 a Vehicle left unattended on bridge/obstructs traffic.

22651 b Traffic Hazard on highway.

22651 d Blocking private driveway.

22651 e Preventing access to fire hydrant.

22651 h Driver arrested.

22651 i Five or more days, five or more parking tickets.

22651 j Illegally parked without license plates or other evidence of current registration.

22651 k Abandoned auto. (Excess 72 hrs.)

22651 l Obstructing cleaning, construction, or repair equipment when posted 24 hours in advance.

22651 m Obstructing house moving.

22651 n Posted "No Parking Tow Away Zone.

22651 o Expired registration over one year.

22651 p Driver is 12500, 14601, 14601.1, or 14601.2.

22655.3 Driver involved in pursuit.

22652.2 Parked in handicap stalls in lot.

22653 b Involved in accident. No owner present.  
PRIVATE PROPERTY.

22655 A Vehicle involved in hit and run.

22656 Vehicle parked on or within 7 1/2 feet of  
rail road tracks.

27-16 PROGRAM ADMINISTRATION: The administration of the  
program will fall under the direction of the support services  
bureau. Records personnel will be responsible for the  
collection of the fees. Vehicle release fees will only be  
collected during normal business hours. Exceptions may be  
granted by the watch commander.

27-17 VEHICLE IMPOUND PROCEDURE:

POLICE OFFICER:

Stop Violator  
Identify violator  
Impound vehicle  
Complete 180 tow sheet  
Wait for tow truck  
Inventory vehicle  
Deliver tow report to dispatch  
Provide owner/vehicle with instructions to recover vehicle.

Dispatcher:

Telephone tow company  
Entry into tow log  
Run vehicle registration  
Enter impound vehicle information into system  
Co-worker to review.

Records Clerk:

Inspect owners identification  
Check owner for valid license if applicable  
Check vehicle registration for current fees if applicable  
Complete impound letter to owner.  
Complete release fee, collect fee, and sign same.

RESOLUTION NO. 95-07

=====

A RESOLUTION OF THE LODI CITY COUNCIL  
APPROVING AN INCREASE IN VEHICLE RELEASE FEE

=====

RESOLVED, that the City Council of the City of Lodi does hereby approve an increase in the Vehicle Release Fee (Release of Towed Vehicles by the Lodi Police Department) from \$30.00 to \$45.00.

Dated: January 18, 1995

=====

I hereby certify that Resolution No. 95-07 was passed and adopted by the Lodi City Council in a regular meeting held January 18, 1995 by the following vote:

Ayes: Council Members - Pennino, Sieglock, Warner and  
Mann (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

  
Jennifer M. Perrin  
City Clerk